

**IN UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>RLI INSURANCE COMPANY</b>	:	<b>Civil Action No. 1:14cv802</b>
	:	
<b>Plaintiff,</b>	:	<b>Judge: Timothy S. Black</b>
	:	<b>Magistrate: Stephanie K. Bowman</b>
<b>Vs.</b>	:	
	:	
<b>FIFTH THIRD BANCORP</b>	:	
	:	
<b>Defendant.</b>	:	
	:	
<b>FIFTH THIRD BANCORP, et al.,</b>	:	<b>Case No. 1:14-cv-00869</b>
	:	
<b>Plaintiff,</b>	:	<b>Judge: Timothy S. Black</b>
	:	<b>Magistrate: Stephanie K. Bowman</b>
<b>Vs.</b>	:	
	:	
<b>CERTAIN UNDERWRITERS AT</b>	:	
<b>LLOYD'S SUBSCRIBING TO POLICY</b>	:	
<b>B0509QA048710, B0509QA051310,</b>	:	
<b>81906760, ET AL.,</b>	:	
	:	
<b>Defendants.</b>	:	

**UNOPPOSED MOTION FOR LEAVE TO FILE RLI'S REPLY IN SUPPORT OF  
MOTION TO STRIKE BRIAN KELLEY'S EXPERT DISCLOSURE UNDER SEAL**

RLI Insurance Company respectfully moves to for leave to file its reply in support of its motion to strike Fifth Third Bancorp's expert disclosure under seal and in support thereof, states as follows:

1. On January 31, 2017, Fifth Third served an expert disclosure by Brian Kelley.
2. RLI moved strike this disclosure and bar Fifth Third Bancorp from relying upon Mr. Kelley's opinions or calling him to testify because (1) it failed to timely disclose his opinions pursuant to the Scheduling Order, providing them after agreed deadlines and at the close of expert discovery -- thereby precluding RLI from offering a responsive expert and/or

supplementing its prior disclosures to address the Mr. Kelley's novel opinions; and (2) Mr. Kelley seeks to offer inadmissible opinions and testimony.

3. RLI's intended reply brief includes quotations from Kelley's opinion – which Fifth Third claims as confidential by Fifth Third pursuant to the Stipulated Protective Order.

4. Pursuant to the Stipulated Protective Order, any party wishing to file any document marked “confidential” must file the document under seal, and must redact references to confidential information from any court filings. (Dkt. 39, Para. 10).

5. RLI proposes to file a redacted copy of its reply (removing the specific references to confidential information), along with any non-confidential exhibits. It requests leave to simultaneously file a full, unredacted copy of its response (along with the specific documents marked confidential) under seal.

6. Fifth Third did not oppose the court granting RLI leave to file its motion under seal and does not oppose this motion..

WHEREFORE, RLI Insurance Company respectfully request the Court to grant RLI leave to file its reply in support motion to Motion To Strike Fifth Third Bancorp's Expert Disclosure under seal and for any other relief the court deems necessary and appropriate.

Dated: March 25, 2017

RESPECTFULLY SUBMITTED,

/s/ Scott Schmookler

**Scott L. Schmookler (Pro Hac Vice)**

GORDON & REES LLP

One North Franklin, Suite 800

Chicago, IL 60606

Phone: (312) 565-1400

Emails: [sschmookler@gordonrees.com](mailto:sschmookler@gordonrees.com)

*Attorneys for RLI Insurance Company*

### **CERTIFICATE OF SERVICE**

I hereby certify that on March 25, 2017, a copy of the foregoing motion was filed electronically. Notice of this filing will be served on all parties of record by operation of the Court's electronic filing system:

Mark J. Byrne  
Kenneth F. Seibel  
JACOBS, KLEINMAN, SEIBEL & MCNALLY  
30 Garfield Place  
Cincinnati, OH 45202  
Email: [mbyrne@jksmlaw.com](mailto:mbyrne@jksmlaw.com)  
[kseibel@jksmlaw.com](mailto:kseibel@jksmlaw.com)

Charles E. Turnbull  
Lawrence M. Scott  
Marc D. Kaszubski  
O'REILLY RANCILIO P.C.  
12900 Hall Road, Suite 350  
Sterling Heights, MI 48313  
Email: [cturnbull@orlaw.com](mailto:cturnbull@orlaw.com)  
[lscott@orlaw.com](mailto:lscott@orlaw.com)  
[mkaszubski@orlaw.com](mailto:mkaszubski@orlaw.com)

Traci S. Rea  
Reed Smith LLP  
225 Fifth Avenue  
Pittsburgh, PA 15222  
Email: [trea@reedsmith.com](mailto:trea@reedsmith.com)

Douglas Richard Widin  
Reed Smith LLP  
1717 Arch Street, Suite 3100  
Philadelphia, PA 19103  
Email: [dwidin@reedsmith.com](mailto:dwidin@reedsmith.com)

David M. Halbreich  
Reed Smith LLP  
355 South Grand Avenue, Suite 2900  
Los Angeles, CA 90071  
Email: [dhalbreich@reedsmith.com](mailto:dhalbreich@reedsmith.com)

*Attorneys for Fifth Third Bancorp*

Luke Busam  
Bryan S. Strawbridge, Esquire  
Julia Blackwell Gelinas, Esquire

Frost Brown Todd LLC  
3300 Great American Tower  
301 E. Fourth Street  
Cincinnati, OH 45202  
Emails: [jgelinas@fbtlaw.com](mailto:jgelinas@fbtlaw.com)  
[bstrawbridge@fbtlaw.com](mailto:bstrawbridge@fbtlaw.com)  
[lbusam@fbtlaw.com](mailto:lbusam@fbtlaw.com)

*Attorneys for Defendant Continental Insurance Company,  
Fidelity and Deposit Insurance Company, St. Paul  
Mercury Insurance Company*

David P. Kamp, Esquire  
Brian D. Goldwasser, Esquire  
Jean Geoppinger McCoy, Esquire  
White, Getgey & Meyer Co. LPA  
Fourth and Vine Tower  
One West Fourth Street, Suite 1700  
Cincinnati, OH 45202  
Emails: [dkamp@wgmlpa.com](mailto:dkamp@wgmlpa.com)  
[bgoldwasser@wgmlpa.com](mailto:bgoldwasser@wgmlpa.com)  
[jmccoy@wgmlpa.com](mailto:jmccoy@wgmlpa.com)

John W. Blancett, Esquire  
Christopher J. Losquadro, Esquire  
Christopher C. Novak, Esquire  
Sedgwick LLP  
Brookfield Place  
225 Liberty Street, 28<sup>th</sup> Floor  
New York, NY 10281-1008  
Emails: [john.blancett@sedgwicklaw.com](mailto:john.blancett@sedgwicklaw.com)  
[christopher.losquadro@sedgwicklaw.com](mailto:christopher.losquadro@sedgwicklaw.com)  
[christopher.novak@sedgwicklaw.com](mailto:christopher.novak@sedgwicklaw.com)

*Attorneys for Defendant Certain Underwriters at Lloyd's  
Subscribing to Policy Numbers B0509QA048710 and  
B0509QA051310, Axis Insurance Company and Federal  
Insurance Company*

*/s/ Scott L. Schmookler*

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**Scott L. Schmookler**

*RLI Insurance Company*